



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Environmental Protection Division
800 Fifth Avenue, Suite 2000
Seattle, WA 98104

May 22, 2020

VIA FOIAONLINE.GOV

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

RE: Freedom of Information Act Request Regarding Enforcement Discretion Memorandum

On behalf of the Attorney General of the State of Washington, I request the following records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552:

- *All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state.*
- *All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state.*
- *This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices.*

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- *This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.*

If you determine that any of the requested records are exempt in whole or in part from disclosure under FOIA, please exercise your discretion and disclose the entirety of such records. Please note that if only a portion of a requested record is exempt from disclosure, the remaining non-exempt portions must still be released. In the event that you deny access to any of the requested records in whole or in part, please provide a *Vaughn* index (1) describing the material withheld, (2) providing a detailed legal justification of your basis for withholding the material, and (3) stating your reasons for not invoking your discretionary powers to release the material in the public interest.

Fee Waiver Request

As a noncommercial entity, the Washington State Attorney General's Office is not subject to review fees. The Attorney General requests a waiver of all search and copying fees associated with this request. Should this fee waiver request be denied, the Attorney General's Office is willing to pay fees of up to one hundred dollars (\$100.00). Accordingly, please immediately begin processing this FOIA request while you consider the fee waiver request. If the fee waiver is not granted in full, please contact me immediately upon making such a determination.

A fee waiver for this FOIA request should be granted under 40 CFR § 2.107(l), because the Attorney General is a public officer of the State of Washington and has no commercial interest in this request. Disclosing the requested records is in the public interest in that it is likely to contribute significantly to public understanding of government operations or activities.

Please produce a copy of the requested records in electronic format and deliver them to me via email or CD at the address below. In addition, please consider posting a copy of these records to your FOIA library so that interested members of the public may more easily locate and access the requested records.

Sincerely,

/s/ Elizabeth M. Harris
ELIZABETH M. HARRIS
Assistant Attorney General
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